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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,763	03/05/2002	Michael R. Robicheaux	9412-59294	6841

29148 7990 01/22/2004

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EXAMINER

CIBTES, IVARS C

ART UNIT

PAPER NUMBER

1724

DATE MAILED 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,763

Applicant(s)

ROBICHEAUX ET AL.

Examiner

Ivare C. Orlins

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Sohnius (U.S. Patent No. 3,607,741) or Webb et al. (U.S. Patent No. 5,082,563), further in view of Noguchi et al. (U.S. Patent No. 4,094,776). Applicant has apparently admitted that it is known to purify wastewater streams flowing from oil and gas wells with a combination of treatments, including flotation, sock filtration, and adsorption (see page 3, lines 9-12, of the specification). The claims differ from this admittedly known system by requiring the use of a cellulose-based adsorbent material in a vessel, and a carbon element filter (claims 3 and 8). Sohnius and Webb et al. each teach removing organic contaminants (e.g. oil) from an aqueous stream with a cellulose-based adsorbent material (see col. 2, line 13 of Sohnius; and col. 2, line 55 of Webb et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the cellulose-based adsorbent material of either secondary reference for the adsorbent material of the admittedly known system, since this cellulose-based adsorbent material is capable of removing oil from water in substantially the same manner as the adsorbent material of the admittedly known system, to produce substantially the same results. Also, Noguchi et al. teaches placing an oil adsorbent material in a vessel (see col. 8, lines 46-47); and it would have been obvious to one of ordinary skill in the art at the time the invention was made to contain the oil adsorbent of the modified admittedly known system in a similar vessel, in order to facilitate its use and handling in this system. Furthermore, Noguchi

et al. also teaches providing a carbon-element filter downstream of an oil adsorbent (see col. 9, lines 2-5); and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the admittedly known system, as modified above, with the activated carbon filter of Noguchi et al., in order to further purify the water undergoing treatment in this modified admittedly known system.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Sohnius or Webb et al. and Noguchi et al. as applied above, and further in view of Means et al. (U.S. Patent No. 5,104,545). The admittedly known system, as modified above, discloses the claimed invention with the exception of the recited monitoring step. Means et al. teaches purifying "produced water" with an adsorbent (col. 3, line 32), and further teaches (see col. 3, lines 61-63) monitoring the effluent from the adsorbent to determine this effluent's purity. It would have been obvious to one of ordinary skill in the art at the time the invention was made to monitor the treated wastewater stream of the modified admittedly known system, as suggested by Means et al., in order to determine this treated wastewater's purity level.

Applicant's arguments filed October 10, 2003 have been noted and carefully considered, but no longer appear to be relevant in view of the new grounds of rejection. Applicant should note, however, that one of ordinary skill in the liquid purification art would readily recognize that the admittedly known multi-stage treatment system disclosed in lines 9-12 on page 3 of the specification would require that the adsorbent material be confined in some manner; and therefore, this skilled artisan would have been motivated to confine the cellulose-based adsorbent of this admittedly known system, as modified by Sohnius or Webb et al., in a vessel of the type

suggested by Noguchi et al., in order to facilitate its use and handling in this modified admittedly known system.

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Blaine Copenheaver, can be reached at (571) 272-1156.

The centralized facsimile number for the USPTO is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0987.

Ivars C. Cintins
Ivars C. Cintins
Primary Examiner
Art Unit 1724